



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**WASHINGTON, D.C. 20460**

**OFFICE OF PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES**

**MEMORANDUM**

**SUBJECT:** Not Likely to Adversely Affect Determination for Atrazine Relative to Six Listed Species in the Chesapeake Bay Watershed

**FROM:** Anita Pease /original signed by Anita Pease August 31, 2006/  
ERB III  
Environmental Fate and Effects Division

**TO:** Arthur-Jean B. Williams, Associate Director  
Environmental Fate and Effects Division

Attached is the assessment of potential effects to six listed species (shortnose sturgeon, dwarf wedgemussel, loggerhead turtle, Kemp's ridley turtle, leatherback turtle and green turtle) in the Chesapeake Bay watershed, from uses of the herbicide atrazine. While the Endangered Species Act requires we assess uses of pesticides relative to any potentially affected listed species, this assessment focuses only on the six identified species, addressing provisions of a settlement agreement entered into by the federal government to resolve claims made by plaintiffs against EPA in a court case (NRDC v. EPA<sup>1</sup>).

The attached assessment was conducted consistent with the Agency's Overview Document<sup>2</sup> and results in my determination that uses of atrazine are not likely to adversely affect (NLAA) any of these six species in the Chesapeake Bay watershed either directly or indirectly. A determination of whether use of atrazine results in adverse modification to critical habitat was not conducted because such habitat has not been designated under the Endangered Species Act for any of these species within the Chesapeake Bay watershed. As required by the Alternative Consultation Agreement EPA entered into with the US Fish and Wildlife Service and National Marine Fisheries Service (Services), I have been trained by the Services to make such determinations. Additionally, this assessment was subjected to internal Agency peer review throughout its development. The review panel included three other scientists who have been trained by the Services to make NLAA determinations (Dr. Thomas Steeger, Dr. Edward Odenkirchen and Dr. Melissa Panger).

Please let me know if you have any questions regarding this assessment and effects determination for atrazine relative to these six listed species in the Chesapeake Bay watershed.

cc: Steven Bradbury  
Debbie Edwards

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<sup>1</sup> Settlement agreement of March 28, 2006: Natural Resources Defense Council v. United States Environmental Protection Agency. Civ. No: 03-CV-02444 RDB.

<sup>2</sup> Overview of the Ecological Risk Assessment: Process in the Office of Pesticide Programs, U.S. Environmental Protection Agency: Endangered and Threatened Species Effects Determinations: January 23, 2004.

## Attachments